

UNITED STATES OF AMERICA
DISTRICT COURT FOR THE NORTHERN DISTRICT
OF NEW YORK

CRISTINA TANNER, Individually and as Legal
Guardian of Jason Tanner, and as Assignee
Of Risen Foods LLC.,

PLAINTIFF,

vs.

HEFFERNAN INSURANCE BROKERS, INC.,
DANA SCHILLER, and RISEN FOODS LLC.,

DEFENDANTS.

ANSWER TO COMPLAINT

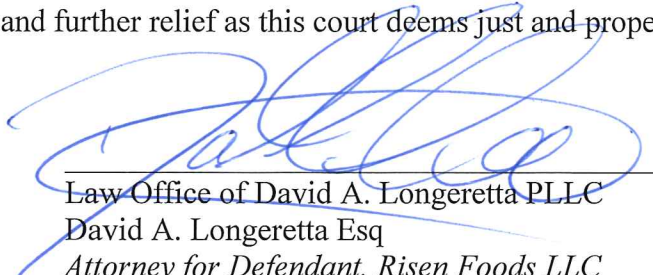
Case No: 19-cv-00255

The Defendant, RISEN FOODS LLC., by and through its attorney, Law Offices of David A. Longieretta PLLC, David A. Longieretta Esq., as and for an ANSWER to the Plaintiff's complaint sets forth and alleges as follows:

1. Admits all the allegations contained in paragraphs numbered 1 through 109 of the Plaintiffs complaint.
2. Denies any and all other allegations contained in the Plaintiffs complaint which has not been specifically admitted, denied or otherwise controverted.

WHEREFORE, the Defendant, Risen Foods LLC, respectfully requests that judgment be entered accordingly, and for such other and further relief as this court deems just and proper.

Dated: February 25, 2019



Law Office of David A. Longieretta PLLC
David A. Longieretta Esq
Attorney for Defendant, Risen Foods LLC
Office and PO Address
298 Genesee Street
Utica, New York 13502
(315) 735-6162

To: Laurence D. Behr, Esq.
Barth Sullivan Behr LLP
Attorney for Plaintiff
Office and PO Address
43 Court Street, Suite 600
Buffalo, New York 14202-3196
(716) 856-1300

VERIFICATION

STATE OF NEW YORK }
 } ss.:
COUNTY OF ONEIDA }

I, MICHAEL MELLACE, as a member of RISEN FOODS, LLC being duly sworn, depose and say that I am the Defendant in the within action; that I have read the foregoing ANSWER and know the contents thereof; that the same is true to my knowledge, except as to matters stated therein to be alleged upon information and belief and, as to those matters, I believe such to be true.



Michael Mellace, as a member of RISEN FOODS, LLC

Sworn to before me on this
the 4th day of March 2019.



Notary Public

My Commission Expires: 6-25-2022

SAMRA PATKOVIC
Notary Public, State of New York
Registration No. 01PA6376982
Qualified in Oneida County
Commission Expires June 25, 2022

UNITED STATES OF AMERICA
DISTRICT COURT FOR THE NORTHERN DISTRICT
OF NEW YORK

CRISTINA TANNER, Individually and as Legal
Guardian of Jason Tanner, and as Assignee
Of Risen Foods LLC.,

CLIENT CERTIFICATION

Case No: 19-cv-00255

PLAINTIFF,

vs.

HEFFERNAN INSURANCE BROKERS, INC.,
DANA SCHILLER, and RISEN FOODS LLC.,

DEFENDANTS.

I, Michael Mellace, as a member of RISEN FOODS, LLC hereby certify, under penalty of perjury, that I have read and reviewed the annexed ANSWER and that all information contained therein is true and accurate in all respect to the best of my knowledge and understanding.

I further certify, under penalty of perjury, that neither my attorney nor anyone acting on my behalf, was the source of any of the information contained in the annexed documents; that I have provided all of the information contained in the annexed documents to my attorney; and, that I understand that my attorney, in executing the Attorney Certification as required by my certification that all such information is true and accurate.

I further certify that the annexed documents include information which I provided to my attorney which is relevant to such documents and that my attorney has not deleted omitted or excluded any such information.

Dated: 3/4, 2019



Michael Mellace, as a Member of RISEN FOODS, LLC

CERTIFICATION BY ATTORNEY

I, David A. Longieretta, Esq., hereby certify under penalty of perjury, that I have no actual knowledge that the substance of any statement of fact contained in the annexed document is/are false. This certification is based solely and exclusively upon information provided by the client and upon the client's certification to the undersigned attorney that such information is not false, and it is not based upon any review, audit, examination, inquiry or investigation made by the undersigned attorney or by anyone acting on behalf of said attorney.

Please take notice that this certification is made by the attorney as an officer of the Court and is directed solely and exclusively to the Court in accordance with 22 NYCRR 201.16(e) and part 130-1.1(c) of the Rules of the Chief Administrator, and, as such, are not frivolous as defined in that particular section of such Rules and is expressly not directed or extended to the opposing party herein.

PLEASE TAKE FURTHER NOTICE that the opposing party may not and should not rely on this attorney certification in assessing the truth or validity of the information contained in the annexed document. The credibility of this submission is no greater than the credibility of the client represented by the undersigned attorney and the opposing party should give this document no greater credence merely because it bears this attorney's certification.

DATED: March 4, 2019



David A. Longieretta, Esq.